

DUVAL CORPORATION

IBLA 72-25

Decided December 23, 1971

Rules of Practice: Appeals: Dismissal

An appeal from a decision rejecting an application for a hardrock prospecting permit on acquired lands administered by the Forest Service because that agency declined to consent to the issuance of the permit, will be dismissed and the case remanded to the Bureau of Land Management for further action when the Forest Service, in a supplemental report, consents to the issuance of the prospecting permit if special stipulations are accepted.

IBLA 72-25 : M 17754 (Minnesota)

DUVAL CORPORATION : Hardrock prospecting permit
: application rejected

: Vacated and remanded

DECISION

Duval Corporation has appealed from a decision dated June 28, 1971, by which the Montana state office, Bureau of Land Management, rejected its application, M 17754 (Minnesota), for a hardrock prospecting permit embracing the 50 percent mineral interest owned by the United States in acquired lands described as lots 1 and 2, sec. 17, T. 61 N., R. 11 W., 4th P.M., Minnesota, within the Superior National Forest, because the Forest Service, Department of Agriculture, had declined to give consent to granting of the permit. 43 CFR 3565.2 (1971).

The Board of Land Appeals has received a supplemental report from the Forest Service, dated November 23, 1971, in which it consents to the granting of the hardrock prospecting permit on the lands above described, provided that special stipulations are accepted by the appellant as a condition precedent to issuance of the permit. This makes the issue on appeal moot.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decision below is vacated, the appeal is dismissed, and the case is remanded to the Bureau of Land Management for further appropriate action.

Frederick Fishman, Member

We concur:

Edward W. Stuebing, Member

Anne Poindexter Lewis, Member

